

UNITED STATES DISTRICT COURT

for the

WESTERN

DISTRICT OF

OKLAHOMA

United States of America

v.

Charles Alan Dyer

Case No: M-10- 36 -BA

FILED
JAN 14 2010
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT - WESTERN DIST. OF OKLA.
BY SK DEPUTY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about January 12, 2010 in Stephens County, OK, within the Western District of Oklahoma, the defendant violated:

*Code Section**Offense Description*

Title 26, United States Code § 5861(d),

possession of an unregistered destructive device,

that is, a Colt M-203, 40 millimeter grenade launcher, serial number 49553, the penalty for which is found at Title 26, United States Code, § 5871.

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brett Williams, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.



Special Agent Brett Williams, ATF

Sworn to before me and signed in my presence.

Date:

1/14/2010

City and State: Oklahoma City, Oklahoma
Judge's signature

Robert E. Bacharach, U.S. Magistrate Judge
Printed name and title

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss

AFFIDAVIT

I, Brett T.Q. Williams, being first duly sworn on oath, do hereby depose and say:

I, Brett T.Q. Williams, am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been employed in this capacity since September of 2003. I am currently assigned to the Oklahoma City, Dallas Field Division, Oklahoma City Group II field office of the ATF where I am responsible for investigating and enforcing federal laws concerning alcohol, tobacco, firearms and explosive violations, specifically violations of Title 18 and Title 26 of the United States Code. I am classified and trained as a Federal Law Enforcement Officer and vested with federal statutory arrest authority. I have completed the Criminal Investigators Training Program, and the ATF National Academy-New Professional Training taught at the Federal Law Enforcement Training Center located in Glynco, Georgia. Previously, I was employed as a police officer for 6 years with the City of Tulsa, Oklahoma Police Department, where I completed a 23-week police academy followed by 16-weeks of field-training. While with the Tulsa Police Department, I worked as a patrol officer and a homicide and street crimes detective. I also received a Bachelor of Arts degree in Criminal Justice from Oklahoma City University in Oklahoma City, Oklahoma. This affidavit is based upon information received by SA Williams from other law enforcement personnel and agencies, including the Stephens County Sheriff's Office and the Lawton Office of the Federal Bureau of Investigation. This affidavit contains information necessary to support the complaint and is not intended to include every fact or matter observed or known by the affiant.

On January 12, 2010, deputies with the Stephens County Sheriff's Office executed a search warrant at 5819 Hope Road, Marlow, Oklahoma, this being the primary residence of an individual known as **Charles Alan Dyer ("DYER")**. The search warrant was issued for DNA evidence related to an alleged rape of a minor child. During the warrant, deputies noted several firearms and a device believed to be a Colt M-203, 40 millimeter grenade launcher. As the warrant did not include these items and deputies were unaware of the legality of the device, they left the residence after executing the search and arresting **DYER**.

On January 13, 2010 the Sheriff for Stephens County, knowing **DYER** to have contacts with militia groups in southern Oklahoma, contacted Special Agent Gene Poole with the Federal Bureau of Investigation (FBI) and informed him about the deputies'

observation of the Colt M-203 grenade launcher. Agent Poole contacted this affiant, described the device, and inquired of its legality. This affiant informed Agent Poole that based on this affiant's training and experience, the device described to him would be a destructive device as defined in Title 26, United States Code, Section 5845(f). Your affiant further informed Agent Poole that if this destructive device was not registered in the National Firearms Register and Transfer Record (NFRTR) to the person who was found to be in possession of the device, that the person's possession of said destructive device would be in violation of Title 26, United States Code, Section 5861(d). This affiant requested the identifying information of the person in possession of the destructive device from Agent Poole. Agent Poole provided the name **Charles Alan DYER**, date of birth xx-xx-1980 and social security number xxx-xx-6987.

On January 13, 2010 this affiant queried a search of the National Firearms Register and Transfer Record for the name **Charles Alan DYER** with the date of birth and social security number provided by Agent Poole. The search revealed no match for the name **Charles Alan DYER** in the NFRTR. This affiant notified Agent Poole that **DYER** was not located in the NFRTR and if he was found to be in possession of such a device, the status of his possession would be unlawful.

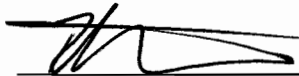
On January 13, 2010 deputies from the Stephens County Sheriff's Office and Agent Poole returned to the residence at 5819 Hope Road and made contact with Amanda Nicole Monsalve, **DYER'S** girlfriend, and a resident of the location. Consent to search the residence was obtained from Monsalve and the Colt M-203, 40 millimeter grenade launcher, bearing serial number 49553 was seized.

Deputies caused a search of the National Crime Information Center (NCIC) database for a Colt M-203 with serial number 49553. The NCIC system returned a hit for this device being stolen in 2006 from Fort Irwin, California, which is a joint United States military base. The NCIC hit also indicated that the device was one of three grenade launchers stolen from Ft. Irwin as they were being shipped to Iraq. On January 13, 2010, your affiant took possession of the Colt M-203 grenade launcher from the Stephens County Sheriff's Office. After a physical examination of this device, based on your affiant's training and experience, your affiant concludes that this device is a Colt M-203, 40 millimeter grenade launcher which is a destructive device as defined in Title 26, United States Code, Section 5845(f). Further, this grenade launcher is a Class III, military grade grenade launcher not commonly available to civilians unless they possess a Federal Firearms License.

Agent Poole conducted an interview of **DYER** following the recovery of the device. After reading **DYER** his Miranda rights, Agent Poole asked about the Colt M-203. **DYER** stated he had received the device from his best friend who gave it to him

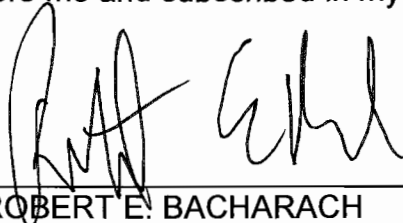
while **DYER** was stationed in California with the Marine Corps. **DYER** stated when he moved back to Oklahoma he brought the device with him. **DYER** stated he didn't see anything wrong with possessing the device.

Based on the foregoing, as well as this affiant's training and experience, I believe there is sufficient probable cause to believe **Charles Alan DYER** did unlawfully possess a destructive device which is not registered in the National Firearm Registration and Transfer Record, in violation of Title 26, United States Code, Section 5861(d).



BRETT T.Q. WILLIAMS
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
EXPLOSIVES (ATF)

Affidavit sworn to before me and subscribed in my presence, this 14th day
of January, 2010.



ROBERT E. BACHARACH
UNITED STATES MAGISTRATE JUDGE